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Attorneys for Plaintiff Philip Morris USA Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

v.

A & V MINIMARKET, INC., a New York Corporation
doing business as A & V MINI MARKET, et al.,

Defendants.

Case No. 07 Civ. 8359
(LAK)(GWG)

ECF CASE

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE AS TO
DEFENDANT FELICIANO
LOPEZ, INDIVIDUALLY
AND DOING BUSINESS AS
LOPEZ FRUIT &
VEGETABLE MARKET**

NOTICE IS HEREBY GIVEN that pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, Plaintiff Philip Morris USA Inc. ("Philip Morris USA") voluntarily dismisses all claims against defendant Feliciano Lopez, individually and doing business as Lopez Fruit & Vegetable Market ("Lopez"), in the above-captioned action without prejudice. Philip Morris

USA further states that defendant Lopez has not served an answer or a motion for summary judgment. Nothing herein shall affect the claims asserted against any other defendant.

Dated: New York, New York
July 23, 2008

HELLER EHRMAN LLP

By: _____ s/

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